



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982



Gary Plourde
7 Franklin Pierce Rd
Webster, NH 03303

LETTER OF DEFICIENCY

#SP-2002-15

July 23, 2002

RE: DES Wetlands File #2002-01398 Franklin Pierce Rd, Webster

Dear Mr. Plourde:

On July 9, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Webster Tax Map 10, Lot 4-17, Franklin Pierce Road, Webster, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiency was noted:

- The site had disturbed and unstable soils within 250 feet of Pillsbury Lake, and erosion control measures were not in place.

In response, you are requested to take the following actions:

1. Immediately take the necessary steps to control erosion and prevent siltation from entering Pillsbury Lake. Silt fence and/or hay bales may be required to temporarily control erosion.
2. The site should be permanently stabilized with vegetation, particularly on the slope that extends toward the road and Pillsbury Lake.
3. Within 14 days of receipt of this Letter of Deficiency, submit photographs to DES that document that temporary erosion control measures have been installed. Please include a brief description of how the slope will be permanently stabilized and a timeframe by which you expect to have the work completed.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Deficiencies as noted above can carry fines under RSA 483-B of \$1,000. if no water quality violation has occurred, or \$1,500. if erosion results in a water quality violation. Fines may be multiplied (per incident) if there is a reoccurrence of the same violation.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,



COPY

Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL #7099 3400 0003 0688 0320

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Mark Harbaugh, DES Enforcement Attorney
Webster Conservation Commission
Webster Board of Selectmen
David Killoy, USACOE